

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN PAYNE,

No. C 08-1786 WHA (PR)

Plaintiff,

**GRANT OF IN FORMA PAUPERIS  
STATUS**

v.

CITY OF OAKLAND; MIKE  
HEALY; Oakland Police Chief  
WAYNE TUCKER; Sergeant  
MULLIX, and ALAMEDA COUNTY,

Defendants.  
\_\_\_\_\_ /

Plaintiff's application for permission to proceed in forma pauperis (document number 2 on the docket) is **GRANTED**. The total filing fee that ultimately will be due is \$ 350.00. In view of plaintiff's income and account balance over the last six months, plaintiff shall pay an initial partial filing fee of \$ 8.60 within thirty days of the date this order is entered (the date the clerk has stamped above). *See* 28 U.S.C. 1915(b)(1). Funds for the remainder of the filing fee will be taken from income to plaintiff's account in accordance with 28 U.S.C. § 1915(b)(2). A copy of this order and the attached instructions will be sent to the plaintiff, the prison trust account office, and the court's financial office.

**IT IS SO ORDERED.**

Dated: April 9, 2007.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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4 **UNITED STATES DISTRICT COURT**  
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

6 **INSTRUCTIONS FOR PAYMENT OF PRISONER'S FILING FEE**

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8 The prisoner shown as the plaintiff or petitioner on the attached order has filed a civil action in  
9 forma pauperis in this court and owes to the court a filing fee. Pursuant to 28 U.S.C. § 1915, the  
fee is to be paid as follows:

10 The initial partial filing fee listed on the attached order should be deducted by the prison  
11 trust account office from the prisoner's trust account and forwarded to the clerk of the court  
12 as the first installment payment on the filing fee. This amount is twenty percent of the  
greater of (a) the average monthly deposits to the prisoner's account for the 6-month period  
immediately preceding the filing of the complaint/petition or (b) the average monthly  
balance in the prisoner's account for the 6-month period immediately preceding the filing  
of the complaint/petition.

13  
14 Thereafter, on a monthly basis, 20 percent of the preceding month's income credited to the  
15 prisoner's trust account should be deducted and forwarded to the court each time the  
amount in the account exceeds ten dollars (\$10.00). The prison trust account office should  
continue to do this until the filing fee has been paid in full.

16 If the prisoner does not have sufficient funds in his/her account to pay the initial partial filing fee,  
17 the prison trust account office should forward the available funds, and carry the balance forward  
each month until the amount is fully paid.

18 If the prisoner has filed more than one complaint, (s)he is required to pay a filing fee for each case.  
19 The trust account office should make the monthly calculations and payments for each case in  
which it receives an order granting in forma pauperis and these instructions.

20 **The prisoner's name and case number must be noted on each remittance.** The initial partial  
21 filing fee is due within thirty days of the date of the attached order. Checks should be made  
payable to Clerk, U.S. District Court and sent to Prisoner Accounts Receivable, U.S. District  
Court, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

22  
23 cc: Plaintiff/Petitioner  
Finance Office  
24  
25  
26  
27  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN PAYNE,

Plaintiff,

v.

OAKLAND CITY OF et al,

Defendant.

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Case Number: CV08-01786 WHA

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 9, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kevin L. Payne  
F-70974  
San Quentin State Prison  
San Quentin, CA 94974

Prison Trust Account Office  
San Quentin State Prison  
San Quentin, CA 94974

Court's Financial Office

Dated: April 9, 2008

Richard W. Wieking, Clerk  
By: D. Toland, Deputy Clerk